IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4964 of 2007()

CR.NO.33/07 OF ARYANAD EXCISE RANGE

: PETITIONER/ACCUSED:

SOBHANA, D/O. BHARATHI,
RESIDING AT MANCODE LAKSHAM VEEDU COLONY,
KOTTAKKAKAM MURI, ARYANAD VILLAGE,NEDUMANGAD TALUK

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4964 of 2007

Dated this the 13th day of August, 2007

ORDER

Application for regular bail. The petitioner was allegedly found to be in possession of 3 litres of arrack on 12.06.07. As the detecting excise party did not consist of any women officials, she was not arrested on that date. She surrendered before the learned Magistrate on 31.07.07. She continues in custody from that date. The learned Public Prosecutor submits that the petitioner is an accused in as many as two other abkari offences, all registered in 2007. The learned Public Prosecutor submits that in these circumstances, the prosecution is obliged to oppose the application for regular bail.

2. In the wake of opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this Court is in a position to entertain both the satisfactions contemplated under Section 41 A of the Kerala Abkari Act. I am unable, in the facts and circumstances of this case, to entertain either of those two satisfactions. I am, in these circumstances, satisfied that the petitioner does not deserve to be enlarged on bail at this early stage.

3. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at

liberty to move the learned Sessions Judge or this Court for bail again at a later stage of the investigation - not, at any rate, prior to 24.08.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-